IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1355 OF 2004
IN
SUIT NO. 2735 OF 2004

Qari Mohammed Zakir
Hussain & Ors. ... Plaintiffs

Vs.

Municipal Corporation of Gr.
Bombay and Ors. ... Defendants

Mr. P.G. Lad i/bny Aparna Murlidharan for
Plaintiff.

Mtr. A.R. Mishra for Respondnet No. 8.

Mr. Bharat Chaudhari for Respondent No. 5.

CORAM : F.I. REBELLO,J.
DATED : SEPTEMBER 23, 2004

P.C.

1. Heard learned counsel for the parties.

2. Pursuant to the plaint being returned and presented before this court, the Plaintiffs have taken out chamber summons for amendment of the plaint. It is their case that these are consequential amendments and will not any way alter the cause of action or change the nature of the suit and amendments are required to enable the court to decide the controversy which has arisen in this matter. On the other hand on behalf of defendant Nos. 5 to 7 their learned counsel contends that the amendment is barred by limitation

and it will change or alter the cause of action.

. On hearing the parties, I am of the opinion that

the amendments are purely consequential. If if these facts were to the knowledge of the Plaintiff, at the highest defendants can contest the relief as barred by limitation. That issue will be open for consideration in the suit. Otherwise, I find that the cause of action will not be altered. In the light of that Chamber summons made absolute in terms of Prayer Clause (a). Amendment to be carried out within two weeks from today. It is made clear that the issue of limitation in so far as prayer clause in the amendment application are left open for consideration at the hearing of the suit.

(F.I. REBELLO,J.)